

78A-6-1203 Youth court -- Authorization -- Referral.

- (1) Youth court is a diversion program which provides an alternative disposition for cases involving juvenile offenders in which youth participants, under the supervision of an adult coordinator, may serve in various capacities within the courtroom, acting in the role of jurors, lawyers, bailiffs, clerks, and judges.
 - (a) Youth who appear before youth courts have been identified by law enforcement personnel, school officials, a prosecuting attorney, or the juvenile court as having committed acts which indicate a need for intervention to prevent further development toward juvenile delinquency, but which appear to be acts that can be appropriately addressed outside the juvenile court process.
 - (b) Youth courts may only hear cases as provided for in this part.
 - (c) Youth court is a diversion program and not a court established under the Utah Constitution, Article VIII.
- (2) A youth court may not accept referrals from law enforcement, schools, prosecuting attorneys, or a juvenile court unless the youth court is certified by the Utah Youth Court Board.
- (3) Any person may refer youth to a youth court for minor offenses. Once a referral is made, the case shall be screened by an adult coordinator to determine whether it qualifies as a youth court case.
- (4) Youth courts have authority over youth:
 - (a) referred for a minor offense or offenses, or who are granted permission for referral under this part;
 - (b) who, along with a parent, guardian, or legal custodian, voluntarily and in writing, request youth court involvement;
 - (c) who admit having committed the referred offense;
 - (d) who, along with a parent, guardian, or legal custodian, waive any privilege against self-incrimination and right to a speedy trial; and
 - (e) who, along with their parent, guardian, or legal custodian, agree to follow the youth court disposition of the case.
- (5) Except with permission granted under Subsection (6), youth courts may not exercise authority over youth who are under the continuing jurisdiction of the juvenile court for law violations, including any youth who may have a matter pending which has not yet been adjudicated. Youth courts may, however, exercise authority over youth who are under the continuing jurisdiction of the juvenile court as set forth in this Subsection (5) if the offense before the youth court is not a law violation, and the referring agency has notified the juvenile court of the referral.
- (6) Youth courts may exercise authority over youth described in Subsection (5), and over any other offense with the permission of the juvenile court and the prosecuting attorney in the county or district that would have jurisdiction if the matter were referred to juvenile court.
- (7) Permission of the juvenile court may be granted by a probation officer of the court in the district that would have jurisdiction over the offense being referred to youth court.
- (8) Youth courts may decline to accept a youth for youth court disposition for any reason and may terminate a youth from youth court participation at any time.
- (9) A youth or the youth's parent, guardian, or legal custodian may withdraw from the youth court process at any time. The youth court shall immediately notify the referring source of the withdrawal.
- (10) The youth court may transfer a case back to the referring source for alternative handling at any time.

- (11) Referral of a case to youth court may not prohibit the subsequent referral of the case to any court.
- (12) Proceedings and dispositions of a youth court may only be shared with the referring agency, juvenile court, and victim.
- (13) When a person does not complete the terms ordered by a youth court, and the case is referred to a juvenile court, the youth court shall provide the case file to the juvenile court.

Amended by Chapter 27, 2013 General Session